



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,328	02/08/2002	Philip J. S. Gladstone	O00229/70002	2365

7590 07/15/2005

Barry W Chapin Esq.
CHAPIN & HUANG L L C
Westborough Office Park
1700 West Park Drive
Westborough, MA 01581

EXAMINER

DAVIS, GEORGE B

ART UNIT	PAPER NUMBER
----------	--------------

2129

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,328

Applicant(s)

GLADSTONE ET AL.

Examiner

George Davis

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I (claims 1-14) in the reply filed on 4/22/05 is acknowledged.

Claim Objections

Claims 11-14 are objected to because of the following informalities: Claim 11, line 7, after "message" insert – of --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. The phrase "modifying operation of the computer renders claim 11 as an omnibus type claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2129

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kukura et al, U.S. Pat. No. 6,633,923 B1.

As per claim 1, Kukura discloses a real-time reference monitor software product comprising, on a machine-readable medium, a sequence of instructions (figures 1 and 2), a storage area where real-time state information is stored and from which the state information is restored (figure 2), a plurality of rules defining allowable activity based on a pattern of activity (column 23, lines 19-39) and plural interceptors identifying and governing the activity based on an application of the rules to the activity (column 23, lines 19-39).

As per claim 2, Kukura discloses a process which correlates the state information across different ones of the plural interceptors (column 23, lines 19-39).

As per claim 3, Kukura discloses at least one of the plural interceptors is a pre-existing element of a conventional computer operating system (column 23, lines 19-39).

As per claim 4, Kukura discloses wherein the process which correlates the state information further comprises a rule which defines permissible resource references in view of activity identified by the interceptors and the state information (column 23, lines 19-39) and a rule interpreter which applies the rule to the activity identified and the state information (column 23, lines 19-39).

As per claim 5, Kukura discloses the rule can be modified without restarting the real-time reference monitor (column 23, lines 19-39).

As per claim 6, Kukura discloses the storage area has contents which are preserved when rule is modified (column 23, lines 19-39).

As per claim 7, Kukura discloses the plural reference interceptors correspond to more than one resource type and wherein the storage area is a single storage area (column 23, lines 19-39 and figure 2).

As per claim 8, Kukura discloses an application program interface that can send messages to application programs on the same system (column 4, lines 41-45 and column 6, lines 50-52).

As per claim 9, Kukura discloses an application program interface that can send messages to application programs on other systems (column 4, lines 41-45 and column 6, lines 50-52).

As per claim 10, Kukura discloses the plural reference interceptors monitor two or more of file access, registry access, network access object access, system call access, keyboard access, external inputs and user input (column 23, lines 19-39 and figures 1-3).

As per claim 11, Kukura discloses a monitoring process, executing on a computer, which detects plural defined events and generate event messages (column 4, lines 41-45 and column 6, lines 50-52) a storage device, on the computer, in which is stored information related to the event messages generated by the monitoring process (column 4, lines 41-45, column 6, lines 50-52 and figures 1 and 2) and a rule

Art Unit: 2129

interpreting process, executing on the computer, which responds to characteristics of an event message the information stored in the storage device and a set of rules by modifying operation of the computer (column 23, lines 19-39 and figures 1 and 2).

As per claim 12, Kukura discloses the set of rules is modified in response to the information stored in the storage device (column 23, lines 36-39 and figure 2).

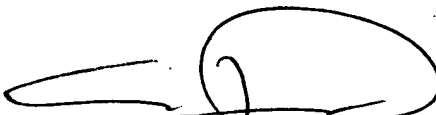
As per claim 13, Kukura discloses the set of rules is modified and wherein the information stored in the storage device is preserved when the set of rules is modified (column 23, lines 36-39 and figure 2).

As per claim 14, Kukura discloses an external event message generating process executing on another computer, wherein the external event message generating process communicates event messages to the rule interpreting process (column 23, lines 19-39 and figures 1 and 2).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Davis whose telephone number is (571) 272-3683. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3800.

July 10, 2005



GEORGE B. DAVIS
PRIMARY PATENT EXAMINER